

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 19, 2006 AT 7:00 P.M.

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 19th day of December 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

Consultant to the Mayor and Council Brummett and staff members: City Secretary Feutz, City Accountant Wallace, Community Development Director Smith, Fire Chief Irwin, HR Officer/ACS Schendel, Economic Development Director Caldera, and Public Works Director Vick were also present.

Mayor Riley asked Public Works Director Vick to lead the Pledge of Allegiance.

Consider approval of minutes of the City Council Workshop and the Regular City Council Meeting both of December 5, 2006.

A motion was made by Councilmember Semmelmann, seconded by Councilman Reyna, to approve the minutes from both the City Council Workshop and Regular City Council Meeting of December 5, 2006. Upon a unanimous vote, the motion carried.

Presentation of the Award of Financial Reporting Achievement to Vickie Wallace, City Accountant.

Mayor Riley presented the Award of Financial Reporting Achievement to City Accountant Vickie Wallace for preparing an award-winning comprehensive annual financial report. Mayor Riley also announced that the City had received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. She congratulated Ms. Wallace for her excellent work. Accepting the award, Ms. Wallace thanked the Council for their support.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Council if they wished for any Consent Agenda item to be removed for further discussion. Hearing no requests, Mayor Riley asked if anyone in the audience wished to address the Council.

Phillip Manea, President of the Leon Valley Area Chamber of Commerce, reported that there were approximately 150 Chamber members and that 80 percent of them were Leon Valley businesses. He reported that they have budgeted to support the City's Economic Development Tax initiative. He also reported on the Regional Mobility Authority's Work Group meetings. He provided Council with a copy of the charter under which the Work Group would operate.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on Consent Agenda items.

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Consent Agenda

Consider M&C # 12-07-06 - Authorize the use of credit cards as a method of payment.

Consider M&C # 12-08-06 - Preliminary Acceptance of drainage improvements and the Final Acceptance of all improvements at the Ridge Unit #1 Subdivision, being Lots 1-29 and Lot 53, Block 8, Lots 1-28, Block 9, Lots 1-8, Block 10, and Lots 1-16, Block 11, CB 4429.

Consider M&C # 12-09-06 - Authorize the City Manager to execute an amendment to the agreement with E Square, Inc. for website development and maintenance.

A motion was made by Councilmember Maloy, seconded by Councilman Reyna, to approve the Consent Agenda items. Upon unanimous vote, the motion carried.

Public Hearing to discuss first Trade and Market Day season and consider any actions as appropriate.

Mayor Riley announced that with the completion of the first year of the Trade and Market Days, an update on the program was needed. Hank Brummett, Consultant to the Mayor and Council, addressed Council stating that his report was being given to provide a summary of the first year of the Trade and Market Days.

Mr. Brummett reviewed benefits of the program and provided a summary of the overall event revenues and expenses. He stated that the sales tax collected from the individual vendors is usually reported at the end of the calendar year and that he expected to receive the sales tax numbers at the end of the first quarter of 2007. He presented figures for overall expenses and revenues, but then adjusted those numbers to take into account one-time start up costs of supplies, personnel and building rental. He stated that he expected the total recurring costs would be approximately \$23,890 for FY 2007 and revenues could increase with the Committee's plans for increased advertising. Mr. Brummett reminded Council that one part-time temporary employee was added in the Fall of 2006 to assist with City special events and the Trade and Market Days. He recommended that the event continue for another year and that the part-time employee continue to provide staffing support.

Councilmembers expressed their concerns about actual measurable benchmarks of benefits to the City from the Trade & Market Days. Council also expressed their concerns for the program to be self-sustaining and that the amount of work to insure that the program was successful could over-burden committee members and staff.

Mayor Riley opened the public hearing at 7:59 p.m. and asked if anyone in the audience wished to comment on the issue.

Resident Al Baldrige addressed Council about his concerns of the amount of sales tax the Trade & Market Days events generated for the City and stated that he felt that the City should not be losing money on the Market Day program.

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Leon Valley Area Chamber of Commerce President Phillip Manea commented that he thought that the events were worth the cost and that it should be continued. He also recommended that information about City businesses be brought to the customers at the events or City businesses become part of the Trade & Market Days.

Trade and Market Days Committee Chair Nita Lange addressed Council stating that her goal was to meet the businesses and ask them to be a sponsors of the Trade and Market Days. She expressed her goals of advertising the events and stated that the Committee will be completing a year end summary report.

Hearing no one else, Mayor Riley closed the public hearing at 8:12 p.m.

A motion was made by Councilman Reyna to continue the Trade & Market Days for the next twelve months, from January to December 2007, with the conditions that in addition to receiving monthly comparison reports (2006 to 2007), that the program be evaluated at the end of the first three months, or when the City receives the quarterly sales tax statement from the comptroller's office; and that the program be again evaluated by the City Council at the end of six months and if the program not moving sufficiently well, then Council may terminate the program.

Councilman Reyna continued his motion to include that there be a pilot expansion program to expand the kinds of goods sold at the Market Days beyond handcrafted items; that the number of board members on the Trade & Market Days Committee be increased by 50%; and that the requirements for volunteers expanded to broaden the pool of volunteers who can serve on the Committee. The motion was seconded by Councilmember Dean.

Councilmembers discussed when Council could terminate the program after its 6-month evaluation. Councilmembers discussed what criteria Council might use to determine if the program is beneficial to the City, other than the cost of the program. The City Manager suggested that when Council begins the FY 2008 budget process in July 2007, they could evaluate whether they wish to continue funding the Trade & Market Days program.

Following discussion, Councilman Reyna amended his motion changing the time for a second evaluation from 6 months to a 7-month evaluation in July 2007. The amendment was seconded by Councilmember Dean. Following an unanimous vote on the motion for an amendment to the primary motion, the amendment carried.

Upon a roll call vote on the primary motion to continue the Trade & Market Days for the next twelve months with the conditions contained in the original motion made by Councilman Reyna and seconded by Councilmember Dean earlier in the meeting, the vote was as follows: Maloy, Semmelmann, and Rangel against the motion and Reyna and Dean for the motion. When Councilmember Maloy cast her vote, she stated that she was not against continuing the Trade & Market Days, but was against the conditions. When the votes were case, Mayor Riley asked what the vote meant.

Councilman Reyna asked for a parliamentary inquiry if the vote meant there would be no Trade and Market Days next year. Councilmember Dean stated that was the way he understood it and Councilman Reyna agreed.

Councilmember Semmelmann stated that he did not understand that his vote meant that the Trade and Market Days would be discontinued and he moved that the Trade and Market Days

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Committee bring their program to the Council to explain how they will increase participation and to present to Council a program on how they will do that. Councilman Reyna called for a point of ordering stating that the motion was out of order as Council had voted against the motion to continue the Trade & Market Days Committee and stated that rules of meeting conduct established by the Council did not allow them to reconsider an item they had already voted on. Councilman Reyna stated that someone on the Council who had voted against the motion would have to move to reconsider the vote before Council proceeded to the next agenda item if they wished to change the vote recorded.

Councilmember Semmelmann moved to reconsider the motion. Councilman Reyna seconded the motion. Upon unanimous vote, it was approved for Council to reconsider the vote on the original motion, as amended.

The roll call vote on the original motion, as amended, was as follows: Maloy and Rangel against the motion; Reyna, Semmelmann, and Dean voted for the motion (2 against: 3 for the motion). Mayor Riley announced the original motion, as amended, carried.

**Consider M&C # 12-10-06 - Consider approval of contract with Edmund Meier, D.V.M.,
City Veterinarian for animal care services.**

Community Development Director Melinda Smith addressed Council presenting information on the request for a contract with Dr. Meier, the City Veterinarian. She explained that Dr. Meier determined that his costs would exceed the fees paid by the City and he had requested an increase in fees for boarding, rabies testing, euthanasia and disposal of the animal remains. Ms. Smith explained that costs were increased for euthanized animal disposal as all euthanized animals would be cremated and the State had increased the costs for rabies testing. She also informed Council that fees after the first impoundment for an animal would increase to help deter repeat offenders.

Following discussion, a motion was made by Councilmember Semmelmann, seconded by Councilman Reyna, to approve the revised contract with the City Veterinarian for animal care services. Upon vote, the motion carried.

**Consider M&C # 12-11-06 - Consider revising City Code Chapter 32, "Schedule of Fees",
Section 32.201, "Animal Control Fees", and deleting Section 32.202, "Animal Control
Redemption Fees".**

A motion was made by Councilmember Semmelmann, seconded by Councilmember Rangel, to approve the proposed revisions to City Code Chapter 32 "Schedule of Fees", Sections 32.201 "Animal Control Fees" and deleting Section 32.202 "Animal Control Redemption Fees. Upon vote, the motion carried.

Ms. Smith announced that the Rabies Clinic would be held the end of January 2007.

**Consider M&C # 12-12-06 with attached ordinance - Consider an increase in the size of
the City newsletter from eight pages to twelve pages to accommodate articles from
members of Council and from committees and requesting a corresponding budget
adjustment from the General Fund Reserve in the amount of \$3976.**

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Community Development Director Smith presented information to Council on the background of the City's "Lion's Roar" newsletter. She reviewed options Council may wish to consider to increase the size of the paper to twelve pages with a cost of approximately \$994 per issue; to cut back the size of the paper to six pages and to only have a Council column from the Mayor and all other articles in the newsletter being limited to 250 words; or stay with the current eight page-newsletter and alternate articles as space allowed; or some combination of the three options. She explained that a budget adjustment would be necessary if the newsletter size was to be increased to meet the expenses anticipated with increased printing and mailing costs.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to table consideration of the item. Councilmember Semmelmann stated that this would allow the new City Manager an opportunity to provide input for alternatives to producing a newsletter. Councilman Reyna asked about rules for information posted on the City's website and suggested that if funding limitations restricted Councilmembers from submitting articles in the newsletter, than perhaps their articles could appear on the City's website. Upon vote, the motion carried to table the motion.

Consider M&C # 12-13-06 with attached ordinance - Repeal and replace Section 7.101, "Election to be Held" and Section 7.104, "Filing Deadline" of City Code Chapter 7, "Elections", and add Section 7.109, "Installation of Elected Members of Council".

City Secretary Feutz presented information stating that Section 7.101 and Section 7.104 of the City Code did not comply with State statutes; therefore she recommended changing the wording to reflect compliance. She also recommended that a new section, Section 7.109 be added to clarify when newly elected members of Council were installed. She recommended that the new Section 7.109 should read: "On the fifth day after the date of the election, excluding Sundays, or as soon as possible after the fifth day, the newly elected City Council meets at the usual meeting place to be installed. The meeting shall be scheduled after the canvass is complete. Installation shall take place at the beginning of the City Council meeting."

Following discussion, a motion was made by Councilmember Semmelmann, seconded by Councilman Reyna, to approve the changes to City Code, Chapter 7, "Elections" as presented. Upon vote, the motion carried.

City Manager's Report.

City Manager Brummett presented a report on the revenue and expenses for the month of November to the Council. He noted that the increased Emergency Reserve Fund moneys were very helpful this fiscal year, as there was a low income stream from ad valorem taxes.

Mr. Brummett presented each member of Council with a copy of the Annual Reports from all departments for the Fiscal Year 2006. Mr. Brummett thanked Council for their support and the opportunity to serve during the interim period until the new City Manager arrives in January 2007.

City Secretary Feutz reported to Council on the three conditions that they required in order for a joint election to be held on May 12, 2007 with NISD and which would be administered by the Bexar County Elections Administrator. She reported that the cost of an early voting election site in Leon Valley for that election would have to be funded by Leon Valley and would not allow the

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City to meet one of the conditions set by Council for a joint elections as the costs would be more than what was paid for the 2006 General Election. She stated that without any further direction or vote from Council, staff would not proceed with contracts for a joint election with NISD as considered during the December 5, 2006 Regular City Council Meeting. Council did not ask for the issue to be brought back to them for vote at a future meeting.

Citizens to be heard.

Resident Phillip Manea addressed Council regarding the burden volunteer applications placed on prospective volunteers and stated that he felt all volunteers needed to honor their commitment once appointed. He thanked Mr. Brummett for his work for the City.

Announcements.

Councilmember Rangel announced that almost 300 persons attended the Beethoven Band Holiday Concert on December 10th. He thanked all the members of the Civic Affairs Committee for their work. He also encouraged everyone to install working smoke detectors in their homes and businesses.

Councilmember Semmelmann stated that he had received an inquiry from a citizen about the City considering a non-smoking ordinance. He suggested that Council may wish to consider a non-smoking ordinance in the future. He wished everyone a happy holiday.

Councilman Reyna thanked Hank Brummett for his assistance and extended holiday greetings to all.

Councilmember Maloy also extended holiday best wishes to all and thanked Katie Gwaltney for her years of volunteer service. She added her thanks to Hank Brummett for all his work with the City.

Mayor Riley announced that the Civic Affairs Committee would be going to dinner together at Fire Mountain on December 20th and that she and Mr. Brummett would be attending and thanking all those on that committee who were leaving at the end of the year. Mayor Riley announced that the November 2006 EPA water well testing indicated that contamination levels were elevated. Mayor Riley welcomed Scout Zechariah Riebeling and wished him luck on his Citizenship in the Community badge work. She also reported that she had attended a TX DOT meeting and announced that as the highway construction project progresses, drivers will have to exit at Evers Road off Loop 410 to reach Bandera Road because the Bandera Road exit off Loop 410 will be closed for a 565 days. She also announced that the Leadership Program would begin on January 13th and she thanked Mr. Brummett for his help over the last four months.

Convene into Executive Session in accordance with the Texas Government Code, Section 551.072 "Deliberations about Real Property" to discuss land acquisition options.

Mayor Riley announced that Council would convene into Executive Session in accordance with the Texas Government Code, Section 551.072 "Deliberations about Real Property" to discuss land acquisition options at 9:31 p.m.

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Reconvene into open session.

Mayor Riley convened Council into open session at 9:52 p.m.

**Discuss and consider any actions as appropriate in regards to land acquisition as
discussed in Executive Session.**

None.

Adjourn.

A motion was made by Councilmember Dean, seconded by Councilmember Semmelmann to adjourn. Mayor Riley announced the meeting adjourned at 9:54 p.m.

Chris Riley
Mayor

ATTEST:

Marie Feutz
City Secretary

Approved by City Council at the January 23, 2007 City Council Meeting by majority vote.